G.R.S. 57.]

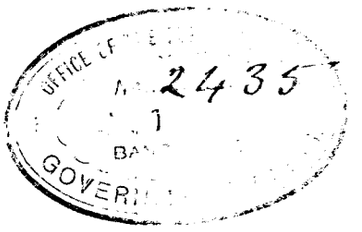
File No. 196–06

Serial Nos. 1–6.

1906.

GENERAL AND REVENUE SECRETARIAT.

(Courts)



Part A: Manuscript
for
October 1907

Serial Nos. 1–6

1. D. R. A. Subject № 52 of 1906 re separation of judicial & executive functions & investing Sub Registrars with Magisterial powers.

2. To The Revenue Commissioner № J 3153 dated the 15th April 07
" " Registrar of the Ch. Court " J 3154 " " "

States that as a first step towards the separation of the judicial & executive functions it has been proposed that in all places where Munsiffs have light work or can conveniently attend to Magisterial work also, the Amildars may be relieved of judicial work & that at the Dt. Hd. Quarters, the Treasury & other Asst. Commissioners may, with advantage, be entrusted with the Magisterial work of Amildars, and calls for their opinion with reg. to the above proposal.

GPB—5,000—20-3-06.

3. From the Revenue Commissioner in Mysore.

No J 4407 dated the 4th June 1907.

Submits his opinion in the matter & recommends that at present the following three measures may be adopted:

(i) investing a few Munsiffs with 2nd class magisterial powers;

(ii) " of the Sub Registrars in the highest grade with 3rd class powers;

(iii) appointing 3 or 4 Taluk Magistrates with 2nd class powers solely for magisterial work.

4. To The Registrar, Chief Court of Mysore. No J 3757 d 18/6/07.

Forwards copy of Revenue Commissioner's letter (serial 3) for opinion on the various points referred to in para 6 of the letter.

5. From the Registrar of the Chief Court of Mysore. No $\frac{4448}{31}$ d 16/7/07

Furnishes the opinion of the Chief Court as called for in serials (2) and (4).

6. To The Registrar of the Chief Court of Mysore,
The Revenue Commissioner in Mysore.
The Dt. Magistrates; & Other Heads of Depts

No J 1187-1227 dated the 13th Oct. 1907.

Directs that as an experimental measure the Amildars of the Taluks of Bangalore, Mysore, Kolar, Hassan, Holenarsipur, Sagar and Maddagiri be relieved of their magisterial work & their work be assigned to the respective City Magistrates at Bangalore & Mysore & to Munsiffs in other places.

G. R. S. 11] 1907

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

Court File No. 196-06.

FILE HEADING.

Separation of judicial + Executive functions

From

No.	Dated	Received	
Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS

NOTES—First sheet.

MGCP15—30,000—17 2-05.

C. 68.
9.8.07

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Separation of Judicial and Executive functions.

CIRCULATED TO COUNCILLORS.

By Order,

C S Balasundaramier

Offg. *Secretary.*

a August .....1907.

V. Ananda Row, Esq., B.A.,

First Council

Seen by First Councillor.

K. P. Puttanna Chetty, Esq

Second Councillor.

11/8/07

Subject No. 5:

At the Dusserah Representative Assembly, 1906.

1 The report on the working of the Sch
in starting Co-operative Credit Societies, such as Lockup Garage, Supply
Agricultural & Joint Stock Companies
and appointing them as ex-officio Sub-
Municipal Board members have not
been completely received. Reminders have
been issued to the officers from whom rep
are due. May the question be taken a
with the Consideration of the Rep on Sch

Orders

Dec 9/30/07 2) Till we gain some experience of the working of the recent arrangement under which additional functions have been assigned to Sub-Registrars, the question of investing them with magisterial powers may be held in abeyance. The separation of the Judicial from executive functions is a broad question which has not yet been solved in British India. It would be premature to think of—

such a change in purpose without effecting a radical reform in the existing system which has been in force for a considerable time

T. Thumboo Chettiar

30/1/07

3 I do not agree. I rather think an arrangement by which Police may be confined to Revenue, Police & Mtce duties & an executive character, all criminal judicial work being transferred either to Asst Commissioners or to Munsiffs, would be a very desirable reform in public interests, and one that may be taken up as soon as finances permit.

May the question be referred to The Retrenchment Committee for consideration in connection with the Revenue, Police & Criminal Depts?

K.S. Chandrasekhara Aiyar

5/2/07

365 5/2/07 The Dewan approves of the Secy's suggestion

C.S. Balasundaram

5/2/07

G.R.S. 13] Please page 6.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

6 See Page 6

Submitted to Hon'ble Council Mem.

The file re Separation of magis. judl functions from the executive duties of the Amildar is submitted for perusal -

May I draft a letter to the Govt. Council and invite his opinion in the matter -

B Srinivasa Iyengar.
8.2.07

Hon'ble Members of the Board of Revenue and Deputy Commissioners

K. P. Puttanna Chetty.
11/2/07.

Draft letter submitted for approval

B Srinivasa Iyengar.
12/2/07.

~~Revised draft submitted~~ 16/2/07

N. B.—Should routine notes be written on small Slips, the notes must be copied, or silps pasted on this form.

Please lay the draft before the Hon. Council Mem. for his approval

K.P. Puttanna Chetty.
12/2/07.

MGCPB—50,000—22-9-04

10) As a Retrenchment Committee we have to do with measures which are calculated to reduce the State expenditure undoubtedly - and not with measures which are proposed as with measures which are proposed as Counsels of perfection - Will the proposed measure fall under the former category ? Is there a strong probability that the proposed measure if be advocated by any pressure on its own merits ~~interest to direct effect~~ apart from its financial effect? I don't think the answer to these questions should be in the affirmative

J. Ananda Rao.
10/3/07

I have been directed by the Diwan to push forward the question.
H.S. Chandrasekhara Iyer 12/3/07.

11) Submitted to 2nd Councillor for orders.
~~10~~ B. Srinivasa Iyengar
12.3.07.

12) May be forwarded to the Secretary Genl & Revenue
V.V. Ruttanna Ch
13/3/07
13/3/07

G.R.S. 12j

General and Revenue Secretariat.

do File No. 196 of 190 6

Serial No.

5 To the Secy, ~~Ret Club Committee~~ Retrenchment Committee for laying the Question before the Committee K.S. Chandrasekhara Iyer 7207

* Here enter all that is contained in the Routine Note attached.

7/4/07

Dy. 10 8.2.07

13. Respectfully submitted to Secretary, without any action being taken.

Please see Committee's remarks above. ~~on the routine note herewith.~~

B. Srinivasa Iyengar

13.3.07

~~Secy~~

Submitted 13/3/07 Secy

13/3/07

14 We may now take up the disposal of the immediate question before us, viz. "the desirability of utilising the spare time of Sub-Registrars" Let the reports still due, be called for & submit. K.S. Chandrasekhara Iyer. 15/3/07

Papers called for from Registrars

15 The Diwan desires that the question of the taking away of magisterial powers of Amildars may be worked out.

Please issue the Era, espe-

NOTE—Contn. sheet

GPB—50,000—23-10-05

G.R.S. 12]
General and Revenue Secretariat.

No. File No. 196 of 1906

Serial No.

the Revenue Com^r & the Registrar of the Chief Court of Mysore — for whom file to me — K.S. Chandrasekhara 8/4/07

14/4

2 To the Revenue Commissioner No J3153
" Registrar Chief Court - J3154 9/5/4

States that as a first step towards the separation of the judicial and Executive functions, it has been proposed that in all places where Munsiffs have light work or (can) conveniently attend to magisterial work also, the Amildars may be relieved of judicial work, and that at the District Head Quarters the Treasury and other Assistant Commissioners may, with advantage be entrusted with the magisterial work of Amildars, and calls for their opinion with regard to the above proposal.

16 Submitted to Secretary.
Hcs 18.4.07 SV 14/4

17 Await the views K.S.C.

14/4

NOTE—Contn. sheet

GPB—50,000—23-10-05

G.R.S. 12]
General and Revenue Secretariat.

Ch File No. 196 of 1906

(8)

Serial No. 3

From the Revenue Board in Mysore
No 94407 dated the 4.6.07
Submits his opinion in the matter and recommends that at present the following three measures may be adopted: Viz. 1) investing a few Municipls with 2d class Magisterial powers; 2) investing a few of the Sub. Registrars in the highest grade with 3d class powers and (iii) appointing three or four Taluk Magistrates with 2d class powers solely for Magisterial work.

18 The opinion of the Chief Court has not yet been received. The Registrar has replied that it would be sent after the reopening of the Court.

May a Copy of this letter (be sent in the meanwhile to the Chief Court in continuation of this office letter No 9 3154 of 15.4.07 for an Expression of Opinion on the points raised in para 6 of the letter.

Subd for orders

Mys 11/6/07 12/6/07 19 Put up draft K. Matthan 12/6

Draft Subd

Mys 13/6/07 13/6 20 To the Secy) K. Matthan 13/6 21

15/6

Mys 15/6

NOTE—Contn. sheet

GPB—10,000—18-1-07

G.R.S. 12]
General and Revenue Secretariat.

No File No. 196 of 1906.

Serial No.	
4	The Registrar of the Chief Court of Mysore No 3757 of 18.6.07. Forwards copy of Revenue Comrs letter (No 3) for opinion on the various points referred to in para 6 of the letter.
5	From the Registrar of the Chief Court of Mysore No 448/31 of 16.7.07 Furnishes the opinion of the Chief Court as called for in Serials (2) and (4). 22 The opinion of the Chief Court is not ~~(illegible)~~ favourable for the proposed separation of judicial and executive functions. In their opinion, if this is to be carried out at all, the experiment may be begun in respect of the following Munsiffs' courts - Hole Narsipur, Nanjangud Holenarsipur, Sagar and perhaps Hassan. In this case they would propose some additional remuneration and some additional establishment to the Munsiffs. They also approve of certain Assistant Commissioners being made to do criminal work. It is also suggested that Experienced Sub. Registrars of the 1st grade may be invested with 3rd class powers. Submitted for orders (the Council matter) ms SW 21/7/07 ~~Secretary~~ 23 The Judges of the Chief Court agree

Serial No.

with the Revenue Comr that the experiment may be commenced by investing certain munsiffs with ~~Criminal~~ power to try Criminal cases. Sub Registrars also, in certain places, may perhaps be invested with 3rd class powers.

~~Scott~~ 2.6.7-09 K. Mylar Rao ~~Dttd~~

24 We may begin by investing the munsiffs ~~referred~~ specified in the Chief Judge's note with ~~magl~~ magisterial powers. In the present additional remuneration & additional establishment ~~addl estt~~ may not be necessary, this question being left to be considered after one year.

25 As regards investing Subregistrars with magisterial powers, the recent retrenchments which reduced the pay of the highest grade, would perhaps render it undesirable to invest them with ~~magl~~ magisterial powers. Perhaps the Dt Collr of Rep^n may be asked to name a few senior Sub registrars qualified by capacity & character to exercise ~~magl~~ magisterial powers & they may be tentatively invested with 3rd class powers.

3.7.07

Note—Contn. sheet

C. Balasundaram Aiyar

Serial No.

~~126~~ Law to prepared & submitted
the measure as a general measure
based upon any fancied inter-
finity between the two functions in
question -

27 The measure adopted on this
basis in British India is a notorious
failure, & the class of stationary
Magistrates as such has been
denounced in the Madras legislative
Council -

28 We do not know how the
Amildari scheme is working in
Baroda - [But we know the
Hanarese proverb which says
that fort work will get on even
if it were an Ass that was
installed in the Amildar's office!]

29 Where & when work is heavy and
it is necessary to support Chief
Dist Amildar & Dist Asst Comm^r
or where & when work is light & it
is possible to utilize the services of a
Munsiff or a Sub Registrar as well
for the purpose of giving him full
employment as for that of giving
him a training in Criminal work
Magisterial powers may be given to the
latter - This is often done in times
of drought & famine -

The

G. R. S. 12]
General and Revenue Secretariat.

C5 File No. 96 of 1906.

Serial No.

30 The proposal has originated from a Member of the Dist who is a member of the Bar and who has shown some evidence of want of practical knowledge of affairs - There is nothing to show that any appreciable section of the Dist shares his views - ~~Nor is it safe to~~ Indeed, we seldom know how far the opinions of individual members is also the opinion of the Assembly as a whole & of influential sections of them Some scheme for taking votes on specific questions seems advisable

J. Ananda Rao

Dewan 6/8/07

5737 2-8-07

31 Dewan's add
Please bring up before Council.
K. Matthan
6/8/07.

32 Circulate to Council
C. Balasundaram
8/8

145 12.8.07 33 Seen
V. Muttanna Chetty.
11/8/07

NOTE—Contn. sheet

(14)

G. R. S. 12]
General and Revenue
Secretariat.

File No. of 190

Serial No. 34

Include in agenda for next meeting

C S Balasundaram
12/9/07

Extract from the Proceedings of the 177th & 178th Meetings of the Council of His Highness the Maharaja, held at Bangalore on the 16th & 19th August 191[illegible] respectively

I. Subject.-(Clause viii of the Schedule).

Separation of Judicial and Executive functions.

O P I N I O N.

35 The suggestion that Judicial and Executive functio[illegible] should be separated is no doubt a good one, but the Coun[illegible] is not quite sure if the same necessity for such a complete separation of functions has arisen in Mysore as is stated t[illegible] be the case in British India. Govern ent have not [illegible] cases brought to their notice in which the combinati[illegible] functions in the District Magistrate has been att[illegible] any hardship or has led to any miscarriage of justi[illegible]

same remarks apply to Amildars also, who in addition to revenue duties are the heads of the taluk police. But there is no question that the proposal is an ideal which it may be desirable to work up to if no financial or administrative inconveniences stood in the wa

36 Apart from any general scheme which can only be a question for the future what is now proposed is to invest certain Munsiffs with Magisterial powers. We have had Munsiffs invested with magisterial powers in the past and they are believed to have given satisfaction as Magistrates. In the localities specified by the Chief Court viz. Kolar, Maddagiri, Holenarsipur, Sagar and Hassan where the Munsiffs are reported to have light work it would not be a bad arrangement to invest them with the powers of 2nd class Magistrates and to relieve the Amildar of the taluk of regular magisterial work. If the experiment should succeed and give general satisfaction it will be a question if in view of the relief afforded to the Amildar on the magisterial side his territorial jurisdiction, in other words the limits of the taluks may not be extended as suggested by the Revenue Commissioner.

37 The Council feels it doubtful if with the present scale of pay of Subregistrars it is desirable to invest them with magisterial powers.

38 The Council also understands that the City Magistrates in Bangalore and Mysore are lightly worked, and considering the fact that the Amildars of these head-quarter taluks have many duties of a miscellaneous character to attend to, it will be a desirable measure to assign the criminal work of the head quarter taluks to the City Magistrates, and relieve the Amildars of criminal work.

39 The Amildars of the following taluks viz. Bangalore, Mysore, Kolar, Maddagiri, Hole Narsipur, Sagar and Hassan will continue to be Magistrates but will be divested of the power under Section 190 Criminal Procedure Code to take cognizance of cases on complaint and on police reports.

Sd/- V.P. Madhava Rao.
Dewan of Mysore.

"Extract"

C S Balasundaramayya
Offg. Secretary to Government.

Submitted to His Highness.

40 At the last session of the Representative Assembly, one of the members raised the question of the separation of Judicial and Executive functions and said that at least Taluk Amildars may be relieved of their magisterial duties and that Sub-Registrars may be invested with magisterial powers. The reply of Government was that the best way of utilizing the spare time of the Sub-Registrars would be considered.

41 The opinions of the Revenue Commissioner and the Chief Court were invited in regard to this subject. The Revenue Commissioner has recommended that the following three measures might be adopted in ~~the immediate~~ future:-

(1) investing a few of such Munsiffs as can afford the time with second class magisterial powers;

(2) investing a few of the Sub-Registrars in the highest grade with third class magisterial powers; and

(3) appointing three or four Taluk Magistrates with second class powers in big stations solely for magisterial work.

42 The Chief Court is of opinion that the experiment of relieving Amildars of magisterial duties may be tried in the taluks of Kolar, Maddagiri, Hole-Narsipur, Sagar and Hassan, where there are Munsiffs' Courts and where the Munsiffs are reported to have light work. Mr. Justice Chandrasekhara Aiyar also suggests that experienced Sub-Registrars of the first grade may be invested with third class magisterial powers. The officiating Chief Justice has remarked that, whatever may be the urgency of the measure in British India, the separation of judicial and executive functions is not of the same importance in Mysore. He also considers that if Amildars are not to do any direct Criminal work, they should retain their magisterial powers.

43 The matter has been carefully considered by the Council and their opinion is contained in the accompanying extract from the Council Proceedings.

44 The Council consider that there is nothing to show that the combination of Judicial and Executive functions in Deputy Commissioners and Amildars has been attended with any hardship, or has led to any miscarriage of justice and that there is no urge for separating these functions in this State, but

that the ultimate separation of these fuctions is an ideal which may be kept in view. They recommend that the Munsiffs of the places referred to by the Chief Court, viz., Kolar, Maddagiri, Hole-Narsipur, Sagar and Hassan may be invested with second class magisterial powers and that the Amildars of these taluks may be relieved of their magisterial duties, the question of enlarging the territorial jurisdiction of the Amildars being reserved for future consideration. It is also considered that the Amildars of Bangalore and Mysore, who have many duties of a miscellaneous character, may be relieved of their magisterial duties, and these duties may be transferred to the respective City Magistrates, whose work at present is understood to be very light.

45 The Amildars of these taluks although relieved of magisterial duties may continue to retain their powers, but they will not have the power to take cognizance of offences on complaint and on Police reports.

46 As regards the investiture of Sub-Registrars with magisterial powers the Council consider that with the present scale of pay of Sub-Registrars, this step

(21)

is undesirable.

47 These recommendations may be approved.

29/8/97

Record of Cases submitted for the Orders of His Highness the Mah[illegible]

	Subject.	Order.
31.8.07 188	Question of separation of Judicial and Executive functions.	48 Approved 49 The whole thing may be tried as an experiment for some time & it should be made clear that Govt in no way commits itself to a definite policy on this subject 5/9/07
146 4.9.07		
	V. P. Madhava Rao 6/9/1907	
	150 Put up	
	C S Balasundaram Iyer 9/9/07	

Serial No. 51 Draft Subd to the Secretary
ms 13/9/07 SN 17/9/07 18 19.9.07 K. Hayagan Rao

Put up typed draft for submission to Dewan
C.V. Balasundaram Iyer 20/9

A typed copy of the draft is Subd, as directed.
SN 21-9-07 Secy) 27-9-

Dewan
23.9.07

Dewan 23.9
as proposed 24/9

Sd/- 4/10/07

52 Draft Approved by the Dewan
Issue
C.V. Balasundaram Iyer
6/10/07

Subd with four copies for issue
SN 9/10/07

6 To the Registrar of the Chief Court
the Revenue Board in Mysore
the District Registrars
the other Heads of Depts
No 1187-1227 of 13.10.07

Directs that as an Experimental measure
the Amildars of the taluks of Bangalore,

G. R. S. 12]
General and Revenue Secretariat.

(47)

6b File No. 196 of 1906

Serial No.	
	Kolar, Hassan, Holenarsipur, Sagar and Maddagiri be relieved of their Magisterial work and their work be assigned to the respective city Magistrates at Bangalore and Mysore and to Munsiffs in other places.

NOTE—Contn. sheet.

GPB—50,000—1-7-07

Courts 196-06.

Serial No 1.

SUBJECT No. 52.

Separation of Judicial and Executive functions and investing Sub-Registrars with Magisterial powers.

Mr. S. R. Balakrishna Rao, B.A., LL.B., Shimoga Municipality.

Summary of discussion. – At least the Taluk Amildars may be relieved of their Magisterial functions. The Sub-Registrars may be invested with Magisterial powers. This may be done in bigger taluks and at district head-quarters. This will not interfere with the Sub-Registrars' registration work. The Amildars can attend to their executive duties unhampered by judicial work.

Reply of Government.—The best way of utilising the spare time of the Sub-Registrars will be considered.

Letters Nos
J. 3153 dt 15-4-07
G.S.196-06-2
J 3154 dt 15-4-07
G.S.196-06-2

From

The Secretary to the Govt. of Mysore,
General & Revenue Depts

To,

1) The Revenue Commissioner. ~~and~~
~~Deputy Commissioners of Districts.~~
2) The Registrar, Chief Court—

Sir,

~~by the Government Committee~~: I am directed to invite ~~his~~ attention to subject No.52 discussed at the ~~last~~ Representative Assembly regarding the separation of Judicial and Executive functions, and to request that you will be so good as to favour the Government with an expression of your opinion regarding the feasibility of the proposal to relieve the Amildars of their Magisterial functions tentatively in certain Taluks and in District Head-quarters.

2. The question of the complete separation of Judicial and Executive functions is a broad question and one which has not yet been solved in British India. But that does not wholly or partially reason why, if such a separation is feasible on its own merits and if it can be given effect to without material increase

increase of cost, the scheme should not, so far as may be, be tried in Mysore.

3. It has been suggested that an arrangement by which Amildars ~~will~~ be confined to Revenue, Police and other duties of an executive character, and all criminal judicial work ~~will~~ be transferred either to Assistant Commissioners or to Munsiffs, would be a very desirable reform in public interests, and ~~is~~ one that ~~will~~ be adopted if and when ~~the~~ finances permitted. As a first step it is ~~now~~ proposed that in all places where Munsiffs have light work or other wise can conveniently attend to Magisterial work also, the Amildars may be relieved of Judicial work without any increase in cost and that the magisterial work of Amildars at the District Head-quarters may be entrusted to the Treasury or other Assistant Commissioners with advantage. ~~Your opinion is requested~~

4. The ~~Committee would~~ will be glad if you will kindly ~~discuss~~ consider the above ~~question~~ proposals in all their bearings, and favour them with ~~your~~ an early opinion in the matter, ~~at your earliest date.~~

I have etc.,

Secretary, [illegible] 16/2/37

No. 16407. OFFICE OF THE REV.-COMR. IN MYSORE,

Bangalore, 4th June 1907.

FROM

A. RANGASWAMI IYENGAR, ESQ., B.A., B.L.,
Revenue Commissioner in Myso

TO K.S. Chandrasekhara Aiyar Esq. B.A., B.L.
Secretary to the Government of
His Highness the Maharaja of Mysore,
General & Revenue Departments.

SIR,

With reference to your letter No. J 3153/ 196-06-2 dated 15th April 1907 inviting my attention to subject No. 52 discussed at the Representative Assembly of 1906, regarding the separation of Judicial and executive functions and calling for an early expression of opinion in the matter, I have the honor to state as follows:-

2. There is a voluminous body of literature on this subject, as the result of long standing discussion in British India and so far as Native States are concerned, the State of Baroda would appear to have resolved the problem to some extent by transferring all the

It was directed that three-fourths of the criminal cases should be tried by the Munsiffs and one-fourth only should be tried by Vahivatdars. The bulk of the criminal work was thus made over to trained judicial officers who performed no executive or revenue work; a small portion of the work was still left in the hands of the Executive officers and this state of things continued till the end of 1903-04. During the year under report an almost complete separation of Judicial and executive duties has been effected. Vahivatdars or Taluka executive officers have been relieved of all judicial work and devote their time

3
Cts 196-16

J 3036

Rev. Comr. Form 12.

190

From

A. RANGASWAMI IYENGAR, Esq., B.A., B.L.

Revenue Commissioner

in Mysore.

To

The Secretary to the Government of
H. H. the Maharaja of Mysore,
General & Revenue Departments.

Dated 4th
Despatched 6th } June 1907.
Received

No. 14407

Enclosure No

Forwarding Memo re Separation of Judicial and Executive Functions (R.A. Subject).

Young & Co., Printers, 2,000—6-3-07.

to revenue and executive work; while Munsiffs are entrusted with all Judicial work, civil and criminal. Only in some subordinate Talukas and in the Talukas of Amreli District, this complete separation remains to be carried out."

magisterial work from the Vahivatdars (Amildars) to Munsiffs except in a few of the remote Taluks.

(Vide Baroda Administration Report for 1904-05, Page 39.)

3. In the neighbouring British Province of Madras, the magisterial work of the Tahsildars has to a great extent been transferred to the stationary Sub Magistrates. But even this measure does not appear to have given unmixed satisfaction and it is doubtful whether we can follow it entirely.

4. By the term " the complete separation of Judicial and Executive functions " it would appear that some people aim at placing officers doing Magisterial work under the exclusive control of the Sessions and Chief Courts and giving such officers no executive work connected with the collection or administration of land revenue and divesting even Revenue Sub Divisional officers and collectors of Magisterial work. It is a problem of the future and it is not possible for our State to attempt to solve it at present. From para 3 of your letter I understand that Government aim at " an arrangement by which Amildars should be confined to Revenue, Police and other duties of an Executive character, and all criminal judicial work transferred to Assistant Commissioners or to Munsiffs " to be adopted " if and when the finances of the state permitted."

5. Before discussing the measures to be adopted for giving effect to the above intention of Government, we have to consider whether at present the duties of the Amildars are so heavy as to make it expedient to relieve them of Magisterial work without imposing extra duties or whether when they are relieved of magisterial work we can conveniently extend their territorial jurisdiction. I think it will be generally conceded that excepting a small

small number of Taluks which could be easily named, the area and duties of the Amildari charges are not too heavy and that when the magisterial work is taken away, the area of the Taluks may be extended without detriment to efficiency. But I do not know whether at this experimental stage the Government are prepared to revise our existing Taluka charges.

6. I cordially agree therefore to the proposal of the Government that " as a first step, in all places where Munsiffs have light work or otherwise can conveniently attend to magisterial work the Amildars may be relieved of judicial work." The Chief Court may be requested to name such Munsiffs who can without detriment to their own civil work be invested with magisterial powers, relieving at least the Amildars of the Taluks at the Kasbas of which they are stationed, of all magisterial work. But I am doubtful if the Chief Court will be able to name more than perhaps one or two such Courts. The Chief Court may also be requested to state whether they would propose any additional appointments of Munsiffs to be created so as to extend this experiment. In the long run our experiment should find its development in increasing the number of District Munsiffs and investing them with powers from the 3rd ~~y~~ ~~y~~ up to the 1st class, so that their appeals may lie direct to the Sessions Judge without any connection with the District Magistrates.

7. In some stations which do not possess a Munsiff, or in which there is no near chance of having one, or where the Munsiff has enough of civil work, ~~Sub Registrars~~ Sub Registrars may be invested with magisterial powers to the exclusion of the Amildars. For this purpose the most experienced and the best qualified may be selected, care being taken that their pay is not less than ₹100 or that of a Deputy Amildar.

8. I would also suggest that where the Amildar's work is lightened by relieving him of Magisterial work, his revenue charge may be increased by adding to it the Deputy Amildar's charges also where possible, as this will not materially disturb the existing revenue ~~divisions~~ divisions.

9. As to adding to the work of Assistant Commissioners, the Sub Divisions have been revised but recently, and the existing number

in all the Districts is just sufficient to meet the normal demands. I do not, therefore, think even at District Head Quarters the Treasury or other Assistant Commissioners could be given the 3rd class Magisterial work of the Taluk Amildars without detriment to their other duties. Miscellaneous work and correspondence have so increased that the Deputy Commissioners often require the services of Head Quarter Assistnt Commissioners in a variety of ways, and ~~occasions~~ on occasions of short leave, generally one Assistant Commissioner has also to be in charge of the work of another. The Jamabundi season, camps of exercise, arrival of distinguished visitors, special reports, and the like, often throw additional strain on District and Sub Divisional offices, and I do not think it advisable to add to their existing duties.

10. In ~~The~~ heavy Head quarter Taluks like Mysore, Bangalore, and Bowringpet where the Amildars are often saddled with a great deal of miscellaneous work, a grade of officers analogous to stationary Magistrates, whose sole duty will be to attend to Magisterial work may also, as an experiment, be appointed.

11. To conclude, I would recommend the adoption of the following three measures simultaneously in the immediate future from 1907-08 viz., (i) investing a few of such Munsiffs as can afford the time, with second class Magisterial powers, (ii) investing a few of the Sub Registrars in the highest grade with 3rd class powers, and (iii) appointing three or four Taluk Magistrates with second class powers in big stations ~~solely~~ solely for Magisterial work.

12. With the experience gained by working the above system for a few years, it may be possible to extend or modify it.

I have the honor to be,

Sir,

Your most obedient servant,

K Subbarao

G.R.S. 26]

File No. 196-06
Serial No 6

Diary No. of letter replied to 93036.

No. 93757
Enc 1

General and Rev. Secretariat
(Courts)
, *the* 190 .

To

The Registrar
of the Chief Court of Mysore

Date of issue 18-6-07

Signed by [illegible]

Sir,

In continuation of
this office letter No 93154
dated 196-06-2
the 15th April 1907, regarding
the separation of judicial and
Executive functions, I am
directed to forward herewith a
copy of letter No 1407 dated
the 6th June 1907, from
the Revenue Commissioner in
Mysore, for favour of obtaining
and furnishing the opinion
of the Chief Court on the
various points referred to in para
6 of the letter

I have &c.

SUBJECT.

for Secretary
13/6/07

13/6/07

13/6/07

13/6/07

(J 32

No. 448 Mul. 31 5

Cts III 4 1907 Cts 196-06

X 296

Chief Court of Mysore,
Bangalore dated, 10th July 1907.

From,

The
V. A. Rajaratna Mudaliar Esq.,
Registrar, Chief Court of Mysore.

To,

C. S. Balasundaram Iyer Esq.,
Offg: Secretary to Government,
General and Revenue Departments.

Sir,

With reference to your letters No.J.3154/Cts.196-06-4 dated 15th April and No.J.3757/Cts.196-06-4 dated 18th June 1907, requesting the opinion of the Chief Court anent certain suggestions as a first step towards the separation of judicial and executive functions, I am directed to forward copies of the opinions of the Judges in the matter.

I have the honour to be,
Sir,
Your most obedient servant;

REGISTRAR.

Mr. Justice H.V.Nanjundayya Offg: Chief Judge.

Whatever the urgency of the measure may be in British India, it seems to me that the separation of the Judicial and Executive functions is not of the same importance in this State.

The Munsiffs being exclusively occupied with judicial work may be presumed to be likely to do Criminal work more satisfactorily than Amildars, who, though many of them are men of equally good qualifications, have much other work to attend to, and cannot remain always at head quarters. The difficulty is that few Munsiffs will have the time required for Criminal work, especially under the new arrangement with a reduced number of them. Besides the actual number of cases, much time is likely to be lost in work of a miscellaneous sort, and in distraction caused to civil work by the unexpected arrival of Criminal cases which cannot be postponed.

Even if the Amildars are not to do any direct Criminal work, it would be desirable that, as in the Madras Presidency, (where in many taluks, Tahsildars hardly ever try a single case) they should retain their magisterial powers, which would enhance their prestige in the Police Branch of their functions.

The experiment may be begun in respect of the following Munsiffs' Courts, where the civil file is likely to allow Munsiff s time for Criminal work.- Kolar, Maddagiri, Hole-Narsipur, Sagar and perhaps Hassan. The latter place may be left out of account, as the Treasury Assistant Commissioner could be entrusted with the work, and as the civil file is probably low at present owing to temporary causes. The Kolar Gold Field Munsiff is already doing a considerable amount of Criminal work.

The accession of work is likely to make the Munsiffs much harder worked than Amildars, and as it is all sedentary, only the more robust of them can stand it without loss of health It is likely that some modification may become necessary accord-

ing to the officers posted to the various stations.

If the system is made permanent, it would probably be fair to allow some additional remuneration and some additional establishment.

There is much to recommend the system of Assistant Commissioners at head quarters being entrusted with all Criminal work of the head quarter Taluk, but this may not be feasible in one or two heavy treasuries. The other Assistant Commissioners could no doubt take up the work in such places, though they do not possess the recommendation of being stationary.

Mr. Justice P.S.Krishna Rao, Rao Bahadur.

agree.

Mr. Justice K.S.Chandrasekhara Aiyar, Offg: Judge.

This is a reform that can only be brought about very gradually. As a first step, the Munsiffs mentioned in the Chief Judge's note may be invested with second class magisterial powers and experienced Sub-Registrars of the 1st grade with 3rd class powers.

I do not think the appointment of stationary Sub-Magistrates (referred to in paras 10 & 11 of the Revenue Commissioner's letter) is likely to be a success, judging from the result of that system in the Madras Presidency.

B.V.

"Copy"

REGISTRAR.

Proceedings of the Government of His Highness the Maharaja of Mysore, Judicial Courts, dated 13th October 1907.

No. J 1187-1227—Cts. 196-06-6, DATED BANGALORE, 13TH OCTOBER 1907.

ORDER.—The Government of His Highness the Maharaja have for some time had under consideration the question of relieving Amildars of their magisterial functions. After consulting the Chief Court, they have decided that the measure may be tried as an experiment in the taluks of Bangalore, Mysore, Kolar, Hassan, Hole-Narsipur, Sagar and Maddagiri, in which there are either City Magistrates or Munsiffs located at the head-quarters of the taluks, and whose file, Criminal and Civil, respectively, is not a heavy one. The Amildars of these taluks will accordingly be relieved of their magisterial duties, and these will be assigned, in Bangalore and Mysore, to the respective City Magistrates, and in Kolar, Hassan, Hole-Narsipur, Sagar and Maddagiri to the Munsiffs at these stations, the Munsiffs being invested with the powers of a Magistrate of the Second Class. The Amildars referred to will continue to retain their magisterial powers, but will be divested of the power to take cognizance of offences under Section 190 of the Criminal Procedure Code.

C. S. BALASUNDARAM IYER,
Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The Registrar of the Chief Court of Mysore.
The Revenue Commissioner in Mysore.
The District Magistrates of Districts.
The other Heads of Departments.

Exd—C.V.

1907-08

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

JUDICIAL (COURTS)

PROCEEDINGS

Dated 13th October 1907

No. J 1187-1227 / Cts. 1966--06

Directs that the Amildars of Bangalore, Mysore, Kolar, Hassan, Hole-Narsipur, Sagar and Maddagiri Taluks be relieved of their magisterial duties and that these be assigned in Bangalore and Mysore to the respective City Magistrates, and in the other taluks, to the Munsiffs.

GPB 14-10-07—500

Proceedings of the Government of His Highness the Maharaja of Mysore.

Order -- 1187-122/Ch.196-06-6 dt 10-7

The Government of His Highness the Maharaja have had for some time under consideration the question of relieving Amildars of their magisterial functions. After consulting the Chief Court they have decided that the measure may be tried as an experiment in the taluks of Bangalore, Mysore, Kolar, Hassan, Hole-Narsipur, Sagar and Maddagiri. The Amildars of these taluks will accordingly be relieved of their magisterial duties, and these will be assigned, in Bangalore and Mysore, to the respective City Magistrates, and in Kolar, Hassan, Hole-Narasipur, Sagar and Maddagiri to the Munsiffs at these stations, the Munsiffs being invested with the necessary powers. The Amildars referred to will continue to retain their magisterial powers, but they will be divested of the powers to take cognizance of offences under section 190 of the Criminal Procedure Code.

by
Secretary.